IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (L) NO.54 OF 2005

Imtiyaz Khan. .. Petitioner
v/s.
The Municipal Corporation of Gr.Bombay. .. Respondents

Mr.J.S. Kini for the petitioner.

Ms.P.A. Purandare for respondents.

CORAM : H.L. GOKHALE &
S.C.DHARMADHKARI, JJ.

DATED : 3RD FEBRUARY 2005

P.C. :

1. Heard Mr.Kini for the petitioner. Ms.Purandare appears for the respondents.

2. We have perused the reply filed by the Executive Engineer, Building Proposal (W.S.) H&K East Ward. In Para 4(c) of the reply, a number of objections have been pointed out which the petitioner was expected to remove long back. It is for these reasons that the impugned action of demolition of the 6th and 7th floors has been initiated.

3. Mr.Kini appearing for the petitioner states that the market, which was proposed to be transferred to the respondents, is already ready. He further states that many of the requisitions are already complied with. It is for the petitioner to satisfy the concerned officers by producing necessary proof and making available necessary documents and by handing over the market as it was promised. The petitioner should do it within four weeks from today i.e. to say by end of February 2005. During that period, the removal of the 6th and 7th floors will remain stayed. If the petitioner does not satisfy the Municipal Corporation, it will be open to the Municipal Corporation to proceed with the action further thereafter. In view of the above, the petition is disposed of.

(H.L. GOKHALE, J.)

(S.C.DHARMADHIKARI, J.)